

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RED HOOK CONTAINER TERMINAL, LLC,

Plaintiff,

15 Civ. 01483 (JSR)(HBP)

-against-

SOUTH PACIFIC SHIPPING CO. LTD.
and ECUADORIAN LINE, INC.,

2 [Proposed] **AMENDED**
JUDGMENT

Defendants.
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It is hereby **ORDERED, ADJUDGED, AND DECREED**: that amending this Court's Judgment dated January 23, 2019, and for the reasons stated in this Court's Findings of Fact and Conclusions of Law dated January 18, 2018, and the United States Court of Appeals for the Second Circuit's January 5, 2022 Mandate, judgment is entered for Red Hook Container Terminal LLC ("Red Hook") on its first claim, breach of contract for unpaid stevedoring and terminal services, for which South Pacific Shipping Co. Ltd. and Ecuadorian Line, Inc. (collectively "SPS") are liable for \$106,633.60 plus interest at nine percent per annum beginning on December 11, 2013, in the amount of \$49,142.02, for a total sum of \$155,775.62; and judgment is entered for Red Hook on its second breach of contract claim for a termination fee for which SPS is liable for \$40,000 plus interest at nine percent per annum beginning on December 11, 2013, in the amount of \$18,433.97; the Court finds against Red Hook on its third breach of contract claim for demurrage.

As for the counterclaims, SPS prevails on its first counterclaim, conversion of the equipment, for which Red Hook is liable for \$850,000 plus interest at nine percent per annum beginning on December 11, 2013, in the amount of \$391,721.92 for a total sum of \$1,241,721.92; the Court finds against SPS on its second counterclaim seeking a termination fee and its third

counterclaim for breach of a bailment for hire. For the reasons stated by this Court and by the Second Circuit, SPS is not entitled to return of the equipment.

Post-judgment interest will continue to accrue in accordance with 28 U.S.C. § 1961 at a rate of 2.58% for RHCT's first and second claims and SPS's first counterclaim until the date of payment in full. Accordingly, the case is closed.

SO ORDERED.

Dated: New York, New York
6-6-22

A handwritten signature in black ink, appearing to read "J. S. Kelly", is written over a horizontal line.